

ADJOURNMENT

On motion of Senator Brooks, the Senate at 1:37 p.m. adjourned until 11:00 a.m. Monday, February 27, 1989.

APPENDIX

Filed with Secretary of State
(February 23, 1989)

H.C.R. 20

EIGHTEENTH DAY

(Monday, February 27, 1989)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejada, Truan, Uribe, Washington, Whitmire, Zaffirini.

A quorum was announced present.

The Reverend Raymond D. Kiser, Pastor, Northwest Hills United Methodist Church, Austin, Texas, offered the invocation as follows:

Holy God, this small group of people has a big job to do this year. They have some very big problems from a very big State resting on their shoulders. They can use all the good help and support they can get—especially that includes Your help.

We ask Your blessing and guidance for the work of the State Senate today. May their work be done with concern for the common good. Help them to serve with integrity and compassion, justice and excellence.

We thank You for the gift of this day. Help us to make it a good one. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 23, 1989, was dispensed with and the Journal was approved.

REPORT OF STANDING COMMITTEE

Senator Harris submitted the following report for the Committee on Economic Development:

S.B. 321
S.B. 320
S.B. 430
S.B. 325 (Amended)
C.S.S.B. 306
C.S.S.B. 413
C.S.S.B. 140

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the captions had been read, the following enrolled bills and resolutions:

S.C.R. 33

S.C.R. 44

S.C.R. 46

S.B. 220

S.B. 221

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.R. 167 by Bivins Education
Requesting that a study be undertaken to establish whether West Texas State University should become a component of The University of Texas System or The Texas A&M University System in the Texas Panhandle.

S.C.R. 52 by Henderson Jurisprudence
Granting John R. Phenix & Associates, Inc., permission to sue the State of Texas and the University of Houston System.

S.B. 672 by Edwards, Green, Economic Development
Carriker, Harris, Truan
Relating to the regulation of medicare supplement insurance policies and agents for those policies.

S.B. 673 by Brown Intergovernmental Relations
Relating to the quasi-judicial enforcement of certain ordinances by home-rule municipalities.

S.B. 675 by Lyon Criminal Justice
Relating to the creation of a state criminal task force coordinating committee.

S.B. 676 by Brooks Criminal Justice
Relating to the punishment for assault of a family member and for the violation of a protective order.

S.B. 677 by Harris State Affairs
Relating to governmental contracts for architectural or engineering services.

S.B. 678 by Armbrister Criminal Justice
Relating to the notice required after certain property is damaged; providing a criminal penalty.

S.B. 679 by Armbrister Economic Development
Relating to the regulation of real estate brokers and salesmen and real estate inspectors and declaring an emergency.

S.B. 680 by Krier Intergovernmental Relations
Relating to the supplemental compensation paid district judges in Bexar County.

S.B. 681 by Krier Intergovernmental Relations
Relating to the authority of a county tax assessor-collector to contract with an individual or a business entity for the issuance of motor vehicle registration receipts.

S.B. 682 by Krier Criminal Justice
Relating to the hearsay statement of a child abuse victim.

S.B. 683 by Krier State Affairs
Relating to requirements for registration of a motor vehicle; providing a criminal penalty.

- S.B. 684** by Whitmire Finance
Relating to the collection of delinquent taxes, penalties, and interest owed to the state.
- S.B. 685** by Whitmire Economic Development
Relating to the location and maintenance outside the state of books, records, and accounts of certain domestic insurance companies.
- S.B. 686** by Leedom Finance
Relating to the right of a taxpayer to obtain a refund or tax, penalty, or interest which has been assessed or collected unlawfully.
- S.B. 687** by Leedom Finance
Relating to the right of a taxpayer to correct errors in listings of ownership of property.
- S.B. 688** by Green Intergovernmental Relations
Relating to causes for removal, appeals to district court, procedures in appeals to hearing examiners, grievance procedures, assignment pay, interrogation and disciplinary procedures of fire fighters and police officers under civil service in certain cities and to the hours of work by fire fighters in certain cities; and declaring an emergency.
- S.B. 689** by Green Intergovernmental Relations
Relating to the investigation of fire fighters and police officers in certain cities; amending Chapter 958, Section 19, Acts of the 69th Legislature, 1985, as amended and partially repealed by Chapter 275, Acts of the 70th Legislature, 1987, as amended by Chapter 23, Acts of the 70th Legislature, 1987, and as recodified by Chapter 149, Acts of the 70th Legislature, Regular Session, 1987 (Chapter 143, Section 143.123 (a) and (f), V.T.C.A., Local Government Code), as amended; and amending Subchapter G, Chapter 143, Local Government Code by adding a new Section 143.1175; and declaring an emergency.
- S.B. 690** by Green Intergovernmental Relations
Relating to notice provisions for grievance procedures in certain cities; amending Chapter 958, Acts of the 69th Legislature as amended by Chapters 37, 275 and 311, Acts of the 70th Legislature as recodified by Chapter 149, Acts of the 70th Legislature, Regular Session, 1987 (Chapter 143, Section 143.129, V.T.C.A., Local Government Code), as amended is amended by adding a new subsection (e); and declaring an emergency.
- S.B. 691** by Dickson Criminal Justice
Relating to a requirement that certain persons serving in elective offices as peace officers be licensed by the Commission on Law Enforcement Officer Standards and Education.
- S.B. 692** by Lyon Intergovernmental Relations
Relating to the compensation of a deputy sheriff assigned to duty as a bailiff in certain counties.
- S.B. 693** by Santiesteban Finance
Relating to the manner in which certain businesses may claim a sales and use tax exemption for exported items.
- S.B. 694** by McFarland Health and Human Services
Relating to the provision of services by dentists under the Indigent Health Care and Treatment Act.

S.B. 695 by McFarland Finance
Relating to the imposition, administration, collection and enforcement of motor fuel taxes, prescribing penalties, and declaring an emergency.

S.B. 696 by Bivins Health and Human Services
Relating to the creation, administration, powers, duties, operation, and financing of the Muleshoe Area Hospital District; authorizing a tax; granting the authority to issue bonds; and granting the power of eminent domain.

S.B. 697 by Carriker Finance
Relating to the license fee for a hunting cooperative.

S.B. 698 by Carriker Economic Development
Relating to the storage of flammable liquids in certain aboveground storage tanks by certain retail service stations.

S.B. 699 by McFarland Finance
Relating to the issuance of general obligation bonds for projects relating to corrections institutions and to emergency appropriations to the Texas Department of Corrections for projects related to corrections institutions.

HOUSE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution received from the House were read the first time and referred to the Committee indicated:

H.C.R. 29, To Committee on Education.

H.B. 82, To Committee on Finance.

H.B. 251, To Committee on Economic Development.

H.B. 631, To Committee on Finance.

CO-AUTHOR OF SENATE BILL 47

On motion of Senator Uribe and by unanimous consent, Senator Truan will be shown as Co-author of **S.B. 47**.

CO-AUTHOR OF SENATE BILL 122

On motion of Senator Truan and by unanimous consent, Senator Uribe will be shown as Co-author of **S.B. 122**.

CO-AUTHOR OF SENATE BILL 157

On motion of Senator Washington and by unanimous consent, Senator Tejeda will be shown as Co-author of **S.B. 157**.

CO-AUTHOR OF SENATE BILL 196

On motion of Senator Carriker and by unanimous consent, Senator Santiesteban will be shown as Co-author of **S.B. 196**.

CO-AUTHOR OF SENATE BILL 674

On motion of Senator Glasgow and by unanimous consent, Senator Caperton will be shown as Co-author of **S.B. 674**.

GUEST PRESENTED

Senator Henderson was recognized and introduced Dr. Paul Ching-Wu Chu, esteemed physicist at the University of Houston.

The Senate welcomed this distinguished guest.

SENATE RESOLUTION 172

Senator Glasgow offered the following resolution:

WHEREAS, Monday, February 27, 1989, has been selected as Hood County Day to honor the area and the people of that illustrious county and to recognize their contributions to the State of Texas; and

WHEREAS, Hood County was created from the large county of Johnson in 1866 and was named for the famous Confederate General John B. Hood; and

WHEREAS, The county has an area of 426 square miles and lies on the Grand Prairie of North Central Texas, watered by the Brazos River and Paluxy and Squaw creeks; it consists of sandy and sandy loam soils of limestone origin; cedar, post oak, pecan, and mesquite trees abound; and

WHEREAS, Few settlements were made on the Brazos as far north as Hood County before 1853 and 1854, for the area was the scene of Comanche and Kiowa Indian raids; during the Indian period Comanche Peak, located in the midst of cedar brakes in the south central part of the county, was an important sentinel post; and

WHEREAS, Blessed with fertile soils, the county's chief resources are agribusiness, tourism, and gas production; its agricultural products include peanuts, pecans, grain sorghums, cotton, oats, corn, barley, and wheat; it is usually the largest pecan producer in the state; and

WHEREAS, An important livestock area, beef cattle, sheep, goats, hogs, and poultry are marketed; here, farmers produce their own feed and vegetables; and

WHEREAS, Visitors are drawn to the many attractions of Hood County including the picturesque little city of Granbury, the county seat, which boasts a historic square registered in the National Register of Historic Places; the Acton State Historical Site, where Elizabeth Crockett is buried; and the Granbury Opera House; and

WHEREAS, Tourists flock to the area's scenic attractions especially fishing in Lake Granbury, Acton State Park, summer theater, and sightseeing cruises on the Riverboat Granbury Queen; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 71st Legislature, hereby join the citizens of Hood County in paying tribute to their county on Hood County Day; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the County of Hood in recognition of this splendid occasion and as an expression of congratulations from the Texas Senate.

The resolution was read and was adopted viva voce vote.

GUESTS PRESENTED

Senator Glasgow, upon recognition, introduced a large delegation of Hood County residents.

The Senate welcomed these guests.

GUEST PRESENTED

Senator McFarland was recognized and presented Dr. Doyle K. Lansford of Arlington.

Dr. Lansford, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was welcomed by the Senate and received an expression of gratitude for his service today.

SENATE BILL 223 WITH HOUSE AMENDMENT

Senator McFarland called **S.B. 223** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment - Guerrero

Amend **S.B. 223** on page 88, line 19, by striking "(b)" and substituting "(d)".

The amendment was read.

On motion of Senator McFarland and by unanimous consent, the Senate concurred in the House amendment to **S.B. 223** viva voce vote.

SENATE BILL 310 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 310, Relating to suits affecting the parent-child relationship and the reporting of child abuse and to the effective date of certain amendments to the Family Code.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 310 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 310** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

COMMITTEE SUBSTITUTE**SENATE BILL 149 ON SECOND READING**

On motion of Senator Brown and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 149, Relating to requiring a person convicted of an offense to repay a reward paid in connection with the offense by a local crime prevention program.

The bill was read second time and was passed to engrossment viva voce vote.

COMMITTEE SUBSTITUTE**SENATE BILL 149 ON THIRD READING**

Senator Brown moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 149** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 322 ON SECOND READING**

On motion of Senator Green and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 322, Relating to the disposition of stolen property.

The bill was read second time.

Senator Green offered the following amendment to the bill:

Amend **C.S.S.B. 322** as follows:

Section 2, Art. 47.12(b), second sentence (committee printing, p. 2, lines 49 through 51): Strike "municipal and justice courts" on line 50 and insert "civil cases".

The amendment was read and was adopted viva voce vote.

On motion of Senator Green and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 322 ON THIRD READING**

Senator Green moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 322** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 289 ON SECOND READING

On motion of Senator Lyon and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 289, Relating to the designation of areas within a county jail where certain fire safety devices are unsuitable for use.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 289 ON THIRD READING

Senator Lyon moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 289** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 297 ON SECOND READING**

On motion of Senator Caperton and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 297, Relating to the certification and expenses of shorthand reporters.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 297 ON THIRD READING**

Senator Caperton moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 297** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 139 ON SECOND READING**

On motion of Senator Glasgow and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 139, Relating to the filing of a financing statement under a trade name.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 139 ON THIRD READING**

Senator Glasgow moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 139** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

SENATE BILL 47 ON SECOND READING

On motion of Senator Uribe and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 47, Relating to Pan American University and Pan American University at Brownsville.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 47 ON THIRD READING

Senator Uribe moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 47** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

COMMITTEE SUBSTITUTE**SENATE BILL 122 ON SECOND READING**

On motion of Senator Truan and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 122, Relating to the governance, operation, funding, name, and mission of Texas A&I University, Corpus Christi State University, and Laredo State University as component institutions of The Texas A&M University System and to the composition, powers, and duties of that system.

The bill was read second time and was passed to engrossment viva voce vote.

COMMITTEE SUBSTITUTE**SENATE BILL 122 ON THIRD READING**

Senator Truan moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 122** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

SENATE BILL 344 ON SECOND READING

On motion of Senator Uribe and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 344, Relating to returning a criminal cause to the original county on completion of trial after a change of venue.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 344 ON THIRD READING

Senator Uribe moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 344** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

COMMITTEE SUBSTITUTE**SENATE BILL 92 ON SECOND READING**

On motion of Senator Sims and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were

suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 92, Relating to the geographical area in which a county may regulate outdoor lighting affecting an astronomical observatory.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 92 ON THIRD READING**

Senator Sims moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 92** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 157 ON SECOND READING

On motion of Senator Washington and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 157, Relating to the observance of the birthday of Martin Luther King, Jr., as a state holiday.

The bill was read second time and was passed to engrossment viva voce vote.

**MOTION TO PLACE
SENATE BILL 188 ON SECOND READING**

Senator Brown moved that the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 188** be taken up for consideration at this time:

S.B. 188, Relating to the rights and duties of managing and possessory conservators.

On motion of Senator Brown, the motion to suspend the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution was withdrawn.

SENATE RULE 11.11 SUSPENDED

On motion of Senator McFarland and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Criminal Justice might consider **S.B. 539** at 9:30 a.m. tomorrow.

MEMORIAL RESOLUTION

H.C.R. 78 - (Glasgow): In memory of Earl Edward Bradley.

CONGRATULATORY RESOLUTIONS

H.C.R. 5 - (Lyon): Extending congratulations to MP Industries of Tyler.

H.C.R. 6 - (Lyon): Extending congratulations to the Hawkins Industrial Arts Club.

H.C.R. 24 - (Parker): Recognizing the Optimist Club Chicken as the official symbol of the fight against drugs in Southeast Texas.

H.C.R. 53 - (Lyon): Extending congratulations to Aileen Franklin.

H.C.R. 56 - (Lyon): Extending congratulations to Shane McGuire.

H.C.R. 66 - (Lyon): Extending congratulations to Harold Smotherman.

H.C.R. 73 - (Dickson): Recognizing Temple as the Wildflower Capital of Texas.

H.C.R. 76 - (McFarland): Extending congratulations to Dr. Harold C. Boehning.

H.C.R. 103 - (Lyon): Extending congratulations to A. W. Riter, Jr.

H.C.R. 112 - (Barrientos): Extending congratulations to State Representative Withelmina Delco.

S.C.R. 53 - By Barrientos: Honoring Dr. Robert D. King for his commitment to The University of Texas as Dean of the College of Liberal Arts.

S.R. 169 - By Henderson: Extending congratulations to Bruce Palmer on the occasion of his retirement from AAA Auto Club.

S.R. 170 - By Henderson: Extending congratulations to Allen Walker on achieving the rank of Eagle Scout.

S.R. 171 - By Dickson: Commending Judge John Garth for his contribution to preserving the heritage and history of Bell County.

S.R. 175 - By Brooks: Expressing appreciation to Dr. Morris Craig for his outstanding efforts in establishing the Texas Council on Alzheimer's Disease and Related Disorders.

S.R. 176 - By Brooks: Expressing appreciation to Dr. Robert Bernstein for his outstanding efforts in establishing the Texas Council on Alzheimer's Disease and Related Disorders.

S.R. 177 - By Brooks: Expressing appreciation to Dr. J. Thomas Hutton for his outstanding efforts in establishing the Texas Council on Alzheimer's Disease and Related Disorders.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:08 p.m. adjourned until 11:00 a.m. tomorrow.

NINETEENTH DAY (Tuesday, February 28, 1989)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.